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ER-62-7054

27 SEP 1962

25 YEAR RE-REVIEW

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Comments and Recommendations of the
President's Foreign Intelligence Advisory
Board1. This memorandum is for information only.

2. Of the proposals concerning the comments and recommendations of the President's Foreign Intelligence Advisory Board resulting from the unauthorized disclosure of intelligence appearing in the [redacted] the most controversial concern the investigation of unauthorized disclosures and the reporting of press contacts by Government officials. There are offered herein certain suggestions concerning these recommendations.

3. In regard to the security of intelligence under the USIB structure and the investigations of unauthorized disclosures of intelligence, the concept from the very beginning has been that of security being a command function and the responsibility of the head of each department and agency. All NSCID's and DCID's pertaining to security of intelligence are predicated on this factor and the charter of the Security Committee specifically makes reference to the command responsibility aspect. In this regard, the memorandum of 29 August 1962 from the Acting General Counsel points out that the law places responsibility on the DCI for the protection of intelligence and intelligence sources and methods. It does not, however, grant any specific authority to implement that responsibility. Authority to institute controls and procedures beyond CIA would require appropriate NSC action, presumably after USIB action. Further, any NSC action would necessarily have to be consistent with existing law including the proviso contained in 102 (d) (3) that the Agency shall have no law enforcement power or internal security functions.

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and reviewing the reports of press contacts submitted by the other agencies. In a situation where an actual investigation of an unauthorized disclosure is decided upon by the DCI, there could be assigned to this investigative unit security representatives from the other departments and agencies concerned in the investigation. These representatives would be under the direction of the DCI. The investigation could be conducted by the combined team and would extend into the departments and agencies involved. In the investigation conducted in each department, the assigned representative from that department would be the senior investigative officer for that area of investigation, however, he would be accompanied and assisted by one or more other members of the DCI's investigative team regardless of their department affiliation. The department concerned would be expected to cooperate to the fullest in making available its records for inspection and employees for interview purposes. The investigation would be conducted under the DCI's direction and authority but as an Intelligence Community action. This would ensure, to some degree, impartiality in the course of the investigation and permit the investigation to be pursued to its proper and logical extent. It would not be construed, however, as infringing or negating the security command responsibility of each department head. This team concept under the DCI could be authorized by agreement of the departments and agencies concerned and probably would not require the issuance of an NSCID Directive. This approach would not be inconsistent with the legislative proposal being prepared by the Ad Hoc Committee for the additional protection of intelligence. In addition, this investigative capability would be exercised only in the cases of serious unauthorized disclosures considered to be damaging to intelligence sources and methods and warranting an investigation. It would avoid becoming involved in those administrative type investigations of purely local security breaches and infractions occurring daily in each department and agency.

6. Within the framework of its limited authority, the Security Committee endeavored to approach this concept of investigation through the coordination of investigative leads and other information. It did not extend, however, to the joint investigative action within the departments and agencies as it was clearly indicated in the course of USIB and Security Committee discussions that each department and agency would conduct its own investigation. If the above concept should be adopted, experience in

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investigating unauthorized disclosures might prove this to be a feasible method. This concept also would permit flexibility to meet any type of situation depending upon the gravity of the unauthorized disclosure. It would most likely result in each department and agency establishing a professional cadre of investigators to serve both the individual department's interest and to support the team concept under the authority of the DCI.

7. In regard to the reporting of contacts with the press, the departments and agencies serving public functions are very likely to be most sensitive about requiring all contacts with the press to be reported. These departments and agencies have components where little or no sensitive information is ever involved and which, by their nature, probably have frequent dealing with the public press. It is not felt that these components represent the problem in the control of sensitive intelligence and operational information. It is felt that these components could be excluded from the requirement of press reporting, but that those other components of the departments and agencies which normally receive and deal with sensitive information could be identified and their personnel could be required to report all press contacts. This requirement can be more logically defended against press and public criticism than could a blanket order requiring all press contacts to be reported. The key to this solution would be the identification of those components possessing sensitive information and the consequent requirements of all personnel of those units to report their contacts with the press.

8. The above suggests some solutions that might be considered in the forthcoming discussions of the recommendations of the Foreign Intelligence Advisory Board.

SIGNED

Sheffield Edwards
Director of Security

Distribution:

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TRANSMITTAL SLIP		DATE 25 September 1962
TO: DDCI		
ROOM NO.	BUILDING	
REMARKS:		
<p><i>Original put in DCI's notebook for President's Board meeting. (25 Sept)</i></p> <div style="border: 1px solid black; width: 200px; height: 50px; margin: 10px auto;"></div> <p style="text-align: right;"><i>9/26/62</i></p>		
FROM: Director of Security		
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FORM NO. 241
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